

Notice of Allowability

Application No.

10/732,797

Examiner

Michael P. Stafira

Applicant(s)

KATZLINGER ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 5/8/2006.

2. ☒ The allowed claim(s) is/are 1-20.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-20 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance

Regarding claim 1, the prior art fails to disclose or make obvious an apparatus for analyzing a plurality of samples in sample sites on a substrate having an array of spaced apart light sources coupled to a movable support so that one or more of the light sources can be selectively used; an optical relay configured to transmit light from at least one of the light sources to one of the plurality of sample sites and from the sample site to the detector; a support structure for supporting the movable support, the frame, the detector and the optical relay; wherein the movable support is movable independently of the optical relay, and in combination with the other recited limitations of claim 1. Claims 2, 7-9 are allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 3, the prior art fails to disclose or make obvious an apparatus for analyzing a plurality of samples in sample sites on a substrate having an array of spaced apart light sources coupled to a movable support so that one or more of the light sources can be selectively used; an optical relay configured to transmit light from at least one of the light sources to one of the plurality of sample sites and from the sample site to the detector; a support structure for supporting the frame, the detector and the optical relay; wherein the frame is configured to move the substrate in a first direction so that the sample sites pass sequentially through an examination area and in combination with the other recited limitations of claim 3.

Regarding claim 4, the prior art fails to disclose or make obvious an apparatus for analyzing a plurality of samples in sample sites on a substrate having an array of spaced apart light sources coupled to a movable support so that one or more of the light sources can be selectively used; an optical relay configured to transmit light from at least one of the light sources to one of the plurality of sample sites and from the sample site to the detector; a support structure for supporting the frame, the detector and the optical relay; wherein the movable support is a rotatable wheel, and in combination with the other recited limitations of claim 4.

Regarding claim 5, the prior art fails to disclose or make obvious an apparatus for analyzing a plurality of samples in sample sites on a substrate having an array of spaced apart light sources coupled to a movable support so that one or more of the light sources can be selectively used; an optical relay configured to transmit light from at least one of the light sources to one of the plurality of sample sites and from the sample site to the detector; a support structure for supporting the frame, the detector and the optical relay; wherein the movable support further comprises an aperture for the passage of light from an exterior light source not positioned on the movable support, and in combination with the other recited limitations of claim 5. Claim 6 is allowed by the virtue of dependency on the allowed claim 5.

Regarding claim 10, the prior art fails to disclose or make obvious an apparatus for analyzing a plurality of samples in sample sites on a substrate having the optical relay further comprises a beam splitter for splitting light from at least one of the array of light sources into two beams, a first beam being directed to an upper surface of the sample site, and a second beam directed to a lower surface of the sample site, and in combination with the other recited

limitations of claim 10. Claims 11-16 are allowed by the virtue of dependency on the allowed claim 10.

Regarding claim 17, the prior art fails to disclose or make obvious an apparatus for analyzing a plurality of samples in sample sites on a substrate having the optical relay further comprises: a beam splitter for splitting light from at least one of the array of light sources into two beams, a first beam being directed to an upper surface of the sample site, and a second beam directed to a lower surface of the sample site; and a means for blocking at least one of the first beam and the second beam, and in combination with the other recited limitations of claim 17. Claims 18, 20 are allowed by the virtue of dependency on the allowed claim 17.


Regarding claim 19, the prior art fails to disclose or make obvious an apparatus for analyzing a plurality of samples in sample sites on a substrate having the optical relay further comprising: a beam splitter for splitting light from at least one of the array of light sources into two beams, a first beam being directed to an upper surface of the sample site, and a second beam directed to a lower surface of the sample site; and a first shutter selectively moveable to block the first beam; and a second shutter selectively moveable to block the second beam, and in combination with the other recited limitations of claim 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michael P. Stafira
Primary Examiner
Art Unit 2877

July 6, 2006